



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

December 28, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 12/12/16 Regular Meeting
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS

(120216-1) The Kittery Town Council moves to hold a public hearing on an application from Woodland Farms Brewery LLC, 1 Rowans Way, Kittery ME for a Victualer's License for Woodland Farms Brewery, 306 US Route 1, Suite C.

11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(120216-2) The Kittery Town Council moves to accept a donation from James and Elizabeth Gamble in the amount of \$1000.00 to be deposited in account # 2063001-4360 Eyes of the World

(120216-3) The Kittery Town Council moves to accept a donation from York Hospital in the amount of \$9,250.00 to be deposited in account #5003-4360 York Hospital Scholarship.

(120216-4) The Kittery Town Council moves to accept a donation from the Meetinghouse Village in the amount of \$100.00 to be deposited in account #2063001-43600 Kittery Community Center

(120216-5) The Kittery Town Council moves to accept donations from Donald and Nicole Kerr \$60.00, Duncan and Patricia McEachern \$90.00 and Elizabeth Desjardins \$210.00 to be deposited in account 5007-43600 Thresher Memorial Fund

b. (120216-6) The Kittery Town Council moves to approve the disbursement warrants.

c. (120216-7) The Kittery Town Council moves to approve an application from Woodland Farms Brewery LLC, 1 Rowans Way, Kittery, ME for a Malt Liquor License for Woodland Farms Brewery, 306 US Route 1, Suite C

d. (120216-8) The Kittery Town Council moves to approve a renewal application from Tasty Thai, Inc., 599 Lafayette Road #6, Portsmouth NH for a Malt, Spirituous and Vinous Liquor License for Tasty Thai, 182 State Road.

e. (120216-9) The Kittery Town Council moves to approve a renewal application from The Ares LLC, 68 Wallingford Square, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for AJ's Wood Grill Pizza, 68 Wallingford Square.

f. (120216-10) The Kittery Town Council moves to approve a renewal application from Weathervane Seafoods, Inc., 306 US Route 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 306 US Route 1.

g. (120216-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Donald Moore for his re-appointment to that board until 12/31/19.

h. (120216-12) The Kittery Town Council moves to amend the Economic Development charge to remove the sunset date.

i. (120216-13) The Kittery Town Council moves to schedule a public hearing for January 09, 2017 to ament Title 2 of the Kittery Town Code to add Harbormaster position.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT



Kendra Amaral
Town Manager

TOWN OF KITTERY
Office of the Town Manager
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kamaral@kitteryme.org

**Town Manager's Report to the Town Council
December 28, 2016**

1. **Sewer Assessments** – The deadline to connect, and to enter in to a payment plan was Monday December 19th. Of the 153 accounts related to the 2015 Sewer Betterment project, action has occurred on 148. The updated status of accounts is below.

| Assessment | # of Accounts |
|-------------------|----------------------|
| Paid in Full | 28 |
| Payment Plan | 102 |
| Deferred | 6 |
| Total | 136 |

| | |
|---------------------------|-------------------|
| Total Paid in Full | \$ 181,672 |
|---------------------------|-------------------|

| Connection Requiremen | # of Accounts |
|------------------------------|----------------------|
| Connected | 37 |
| Deferred | 36 |
| Exempt | 7 |
| Total | 80 |

Those owners who have not paid, entered in to a payment plan, or received an assessment deferral will receive a bill for the full amount of the betterment assessment in March of 2017. As with other sewer charges, if the bill is not paid in full by the bill due date, interest may accrue against the account.

The Council has three hearings pending decision:

- Flower Company Properties – awaiting Assessor determination on agricultural status
- Dow Highway Properties – continued to January 9th meeting
- Southern Maine Fish & Game – scheduled for January 9th meeting

There are three applications for arbitration. Two of the three arbitration requests are in the process of being scheduled for a hearing. The Town Clerk is coordinating the distribution of and collection of relevant forms and documentation to support that process.

2. **Open Positions** – As announced early this week, Betsy Oulton our Human Resources Manager has submitted her resignation effective January 5th. In her career with Kittery, Ms. Oulton worked diligently to professionalize and modernize the Human Resource functions for the School and Town. Though I had only worked with her for a short time, it is clear she was committed to the best interests of the Town. We thank her for her service and wish her well in her future endeavors.

I will be reviewing the Human Resources role in the coming weeks and determining what next steps to take on this vacancy.

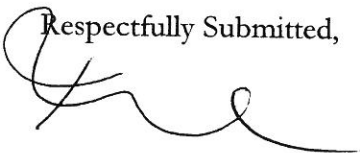
The Finance Director position remains vacant. The last round of interviewed proved unsuccessful in securing the right candidate. The position was reposted and interviews have been scheduled for January 5th. I hope to have this position filled by early February.

3. **Coastal Clean Up/Zip Ties** – Harbormaster Scott Alessi is looking into educational material regarding zip tie disposal and the impact on our coastal areas. We will work with him to distribute the educational material as broadly as possible.
4. **Dineen Court Order** – Judge Fritzsche ordered Mr. Dineen to remove or register the busses on his property by December 15th. The order was not complied with and Judge Fritzsche issued a bench warrant for his arrest. KPD has been in contact with York Police regarding the matter.

We are still awaiting a hearing date with the Maine Supreme Court on the Mary's Store appeal.

5. **Storm Drain on US Route 1** – The Department of Public Works removed the drainage bag and cleared out the drain near Henry VIII Carvery.
6. **Signage Along US Route 1 Wally's Farm Stand** – The plan for the farm stand was approved in June 2005 and included a condition that the sign be permitted prior to the business opening. Our records indicate this was accomplished in July of 2005. CEO Robert Marchi inspected the sign on December 13th and found it to be in compliance with Town code.
7. **Identification for Harbormaster** – We discussed the overall need for ID badges for any Town officials who are required to access private property, make inspections of private property, or issue citations as a function of their duties. The Police Department is in the process of developing a template for general use.
8. **Whipple Road Improvements** – The project is at 75% design phase. The engineers are working with CMP on review and revision of the utility pole relocations. Once complete, MDOT will begin the Right of Way process. This is handled with in-house MDOT staff. Following that effort, the final project plans, specifications and bid documentation will be completed. Given the status, the anticipated construction timeframe for this project is 2018. The Town is ensuring frequent communication with MDOT and CMP is occurring.

Respectfully Submitted,



Kendra Amaral
Town Manager

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Jeffrey Pelletier, Judith Spiller, and Jeffrey Thomson.

Absent from the roll call was Councilor Kenneth Lemont.

5. Agenda Amendment and Adoption

Agenda was adopted, as presented.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

Rogers Park – COA Hackett will perform additional spot checking at Rogers Park with particular attention to dog waste, leash violations, and out-of-state parking.

Homestead Nursing Home – The fence on the property is damaged, which makes access into the property easier. The management company was contacted to perform repairs and the Town expressed desire for the company to perform regular onsite inspections of the site. As private property owners, they should be involved to ensure the space is not creating a hazard.

Bolt Hill Road & Route 236 – In the past, a study was conducted that determined the traffic pattern at Bolt Hill Road & Rte. 236 did not warrant the need for a traffic signal in accordance with uniform traffic controls. Given the recent development in the area, a turning movement study will be conducted to determine what traffic improvements could be made to improve safety and flow.

Superintendent Search Process – Town Manager Amaral will participate in the search process for the Superintendent. She felt that it sends an important message to candidates for collaborative work and will help to ensure a smooth transition.

Harbormaster – Town Manager Amaral congratulated Scott Alessi on his appointment to Harbormaster. He has been serving as Interim Harbormaster prior to this full appointment.

Sewer Minimum Quarterly Fee – A complaint was referred by Vice Chairperson Denault regarding the individual's minimum Quarterly Fee was not prorated. There is currently no means in the Ordinance to allow for the proration and Town Manager Amaral will be recommending a

34 Title 13 amendment in the future to allow for that.

35 Councilor Thomson cautioned that consideration should be made to ensure that there is no
36 precedent set in regards to prorating the Quarterly Fee. Vice Chairperson Denault noted that
37 nearly 160 people will be faced with this situation and it is important to do the right thing.

38 7. Acceptance of Previous Minutes

39 Regular Meeting – November 28, 2016

40 Line 9 – replace “Russell White” with “Jeffrey Pelletier”

41 Line 50 – replace “plans” with “plants”

42 The minutes were adopted, as amended.

43 8. Interviews for the Board of Appeals and Planning

44 Board of Appeals: (1 position available)

45 Vern Gardner – new appointment until 12/1/19

46 Mr. Gardner described the reasoning for his previous resignation to the Board of Appeals. He
47 noted that in the past nine years, he has missed one meeting and has taken all the training
48 seminars available. He described his professional experience as an expert witness and City of
49 Portsmouth Planning Department employee that demonstrates his commitment to the
50 community. He explained his reasoning for resigning from the Comprehensive Plan Update
51 Committee (CPUC) several years ago, which was mainly in effort to avoid potential conflicts.

52 Chairperson Beers stated that he had no association to the conflict with the CPUC
53 aforementioned.

54 Mr. Gardner replied to Council Spiller that he served on the Board of Appeals for nine years with
55 only one absence.

56 Vice Chairperson Denault asked Mr. Gardner how he handles an issue where a local Ordinance
57 conflicts with State law. Mr. Gardner mentioned that when there is a doubt, it is best to refer to
58 the Maine Municipal Association. In his experience on the Board of Appeals, he prefers to
59 understand the applicable nuisances of the Ordinance and State laws for each application.

60 Vice Chairperson Denault asked Mr. Gardner how he would handle conflict resolution amongst
61 the Board. Mr. Gardner thought that a spirited discussion is valuable. He felt that each applicant
62 should be given the opportunity to be heard and each Board member should listen. He felt that a
63 discussion that includes all viewpoints should be had to include all the potential merits.

64 **A MOTION WAS MADE BY COUNCILOR PELLETIER TO APPOINT VERN**
65 **GARDNER TO THE BOARD OF APPEALS UNTIL 12/1/19, SECONDED BY**
66 **COUNCILOR THOMSON. THE MOTION PASSED BY A ROLL CALL VOTE 5/1/0,**
67 **WITH VICE CHAIRPERSON DENAULT OPPOSED.**

68 Niles Pinkham – re-appointment until 12/1/19

69 Chairperson Beers stated that the position established on November 23, 2015 and reaffirmed by
70 Council on October 28, 2016 that this re-appointment does not require further interview.

A MOTION WAS MADE BY COUNCILOR PELLETIER TO RE-APPOINT NILES PINKHAM TO THE BOARD OF APPEALS UNTIL 12/1/19 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR SPILLER.

Councilor Thomson expressed positive support for both applicants and felt they are both qualified.

After discussion amongst the Council, Mr. Brake, Chair of the Board of Appeals, clarified that there are two open positions available on the Board.

The Council further discussed whether or not an interview would be required given the contradictory language in the Charter, Code, and the Attorney's opinion. The Council reached consensus to conduct an interview.

Councilor Dennett asked Mr. Pinkham his address. Mr. Pinkham replied that his address is 25 Pinkham Lane.

Vice Chairperson Denault asked Mr. Pinkham how he would formulate a decision in the event that the State law conflicts with the Ordinance. Mr. Pinkham felt that it is important to read and interpret the pertinent information before hearing the appeal and to listen to other Board member's deliberations.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

Mr. Pinkham received the majority vote and is appointed with effect from 12/12/16.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – None.

10. PUBLIC HEARINGS

a. (120116-1) The Kittery Town Council moves to hold a public hearing on an application from York Harbor Brewing Co., 8 Blueberry Lane, Kittery, ME for a Victualer's License for Maine Beer Café, 439 US Route 1, Suite #1.

Notice of this public hearing was posted on December 2, 2016 and required by Title 30-A MRS §3812 for their Food Service License. Chairperson Beers stated that Councilor Lemont is an owner/proprietor and Councilor Lemont indicated in an earlier conversation that he would have recused from voting on the application.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE APPLICATION FROM YORK HARBOR BREWING CO., 8 BLUEBERRY LANE, KITTERY, ME FOR A VICTUALER'S LICENSE FOR MAINE BEER CAFÉ, 439 US ROUTE 1, SUITE #1, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett noted that an inspection report from the Code Enforcement officer or Fire Chief was missing from the application. Ms. Maryann Place, Town Clerk, noted that the Victualer's inspection was checked off on the application indicating those inspections were

108 conducted and the documents were included in the packet materials.

109 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

110 b. (120116-2) The Kittery Town Council moves to hold a public hearing on an
111 application from Loyal Order of Moose #444, 76 US Route 1, Kittery, ME for a Victualer's
112 License for Loyal Order of Moose #444, 76 US Route 1.

113 Chairperson Beers stated that Loyal Order of Moose requests a special activity permit for Fridays
114 and Saturdays from 8pm-1am at 76 US Route 1. Notice of this public hearing was posted on
115 December 2, 2016 and is necessary to obtain the Food Service License as required by Title 30-A
116 MRS §3812.

117 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers
118 closed the public hearing.

119 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE THE**
120 **APPLICATION FROM LOYAL ORDER OF MOOSE #444, 76 US ROUTE 1, KITTERY,**
121 **ME FOR A VICTUALER'S LICENSE FOR LOYAL ORDER OF MOOSE #444, 76 US**
122 **ROUTE 1, SECONDED BY COUNCILOR PELLETIER.**

123 Given the comment made by Councilor Dennett, Mr. Gastner corrected the address in the
124 application to read: 76 Route 1 Bypass.

125 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

126 c. (120116-3) The Kittery Town Council moves to hold a public hearing on an
127 application from Loyal Order of Moose #444, 76 US Route 1, Kittery, ME for a Special Activity
128 Amusement Permit for Loyal Order of Moose #444, 76 US Route 1.

129 Chairperson Beers stated that Loyal Order of Moose requests a special activity permit to conduct
130 events for DJ Karaoke on Fridays and Saturdays from 8pm-1am, as aforementioned. Notice of
131 this public hearing was posted on December 2, 2016 and is necessary to obtain the Food Service
132 License as required by Title 30-A MRS §3812.

133 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers
134 closed the public hearing.

135 **A MOTION WAS MADE BY COUNCILOR PELLETIER TO APPROVE THE**
136 **APPLICATION FROM LOYAL ORDER OF MOOSE #444, 76 US ROUTE 1, KITTERY,**
137 **ME FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR LOYAL ORDER OF**
138 **MOOSE #444, 76 US ROUTE 1, SECONDED BY VICE CHAIRPERSON DENAULT.**

139 Given the comment made by Councilor Thomson, Mr. Gastner corrected the application to
140 indicate that the time periods would last until 1:00am.

141 Councilor Dennett encouraged the applicant to ensure the noise levels are managed based on the
142 activity that has occurred in the past at that location and the nearby motel.

143 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

144 11. DISCUSSION

145 a. Discussion by members of the public (three minutes per person)

146 Bob Harris, 40 Cutts Road

147 Mr. Harris thanked the Council for his re-appointment to the Planning Board.

148 b. Response to public comment directed to a particular Councilor – None.

149 c. Chairperson's response to public comments – None.

150 12. UNFINISHED BUSINESS – None.

151 13. NEW BUSINESS

152 a. Donations/gifts received for Council disposition

153 (120116-4) The Kittery Town Council moves to accept a donation from Lynn
154 Dellapasqua in the amount of \$100 to be deposited in account #2063001-43600 Kittery
155 Community Center.

156 **A MOTION WAS MADE BY COUNCILOR SPILLER TO ACCEPT A DONATION**
157 **FROM LYNN DELLAPASQUA IN THE AMOUNT OF \$100 TO BE DEPOSITED IN**
158 **ACCOUNT #2063001-43600 KITTERY COMMUNITY CENTER, SECONDED BY**
159 **COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL**
160 **VOTE 6/0/0.**

161 b. (120116-5) The Kittery Town Council moves to approve the disbursement warrants.

162 Town accounts payable of \$122,346.95.

163 Town accounts payable of \$667.50.

164 Sewer account payable of \$127,953.52.

165 School accounts payable of \$256,528.57.

166 Total of all disbursement warrants of \$507,496.54.

167

168 Chairperson Beers stated that the Town and Sewer warrants are in due form. Councilor Pelletier
169 confirmed that the School warrants are in due form.

170 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
171 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER. THE**
172 **MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

173 c. (120116-6) The Kittery Town Council moves to approve an application from York
174 Harbor Brewing Co., 8 Blueberry Lane, Kittery, ME for a Malt and Vinous Liquor License for
175 Maine Beer Café, 439 US Route 1, Suite #1.

176 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN**
177 **APPLICATION FROM YORK HARBOR BREWING CO., 8 BLUEBERRY LANE,**
178 **KITTERY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR MAINE BEER**
179 **CAFÉ, 439 US ROUTE 1, SUITE #1, SECONDED BY COUNCILOR SPILLER. THE**
180 **MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

181 d. (120116-7) The Kittery Town Council moves to approve an application from Loyal

182 Order of Moose #444, 76 US Route 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor
183 License for Loyal Order of Moose #444, 76 US Route 1.

184 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN**
185 **APPLICATION FROM LOYAL ORDER OF MOOSE #444, 76 US ROUTE 1, KITTERY,**
186 **ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR LOYAL**
187 **ORDER OF MOOSE #444, 76 US ROUTE 1, SECONDED BY COUNCILOR**
188 **PELLETIER.**

189 Councilor Dennett asked the applicant for the date the necessary permit applications were
190 submitted. Mr. Gastner confirmed the documentation was submitted on or about November 5,
191 2016.

192 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

193 e. (120116-8) The Kittery Town Council moves to accept the resignation from Marissa
194 Day from the Comprehensive Plan Update Committee effective immediately.

195 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT THE**
196 **RESIGNATION FROM MARISSA DAY FROM THE COMPREHENSIVE PLAN**
197 **UPDATE COMMITTEE EFFECTIVE IMMEDIATELY, SECONDED BY COUNCILOR**
198 **PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

199 f. (120116-9) The Kittery Town Council moves to appoint Russell White to the
200 Comprehensive Plan Update Committee as a citizen representative.

201 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT RUSSELL**
202 **WHITE TO THE COMPREHENSIVE PLAN UPDATE COMMITTEE AS A CITIZEN**
203 **REPRESENTATIVE, SECONDED BY COUNCILOR SPILLER. THE MOTION**
204 **PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

205 g. (120116-10) The Kittery Town Council moves to appoint Council members to On-
206 going, Standing, Ad hoc and Council Committees.

207 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT COUNCIL**
208 **MEMBERS TO ON-GOING, STANDING, AD HOC AND COUNCIL COMMITTEES,**
209 **SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A**
210 **UNANIMOUS ROLL CALL VOTE 6/0/0.**

211 h. (120116-11) The Kittery Town Council moves to approve the five town-wide
212 Sidewalk Sales Events for 2017 as requested by the Kittery Outlet Association: May 26-29; July
213 1-4; Aug.11-14; Sept. 1- 4; and Oct. 6-9.

214 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE FIVE**
215 **TOWN-WIDE SIDEWALK SALES EVENTS FOR 2017 AS REQUESTED BY THE**
216 **KITTERY OUTLET ASSOCIATION: MAY 26-29; JULY 1-4; AUG.11-14; SEPT. 1- 4;**
217 **AND OCT. 6-9, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED**
218 **BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

219 i. (120116-12) The Kittery Town Council moves to sign a Certificate of Settlement in
220 accordance with 36 MRS §763, discharging Carol Granfield as Tax Collector from further

221 liability or obligation to collect the balance due for the taxable years 2006-2017.

222 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN A CERTIFICATE OF**
223 **SETTLEMENT IN ACCORDANCE WITH 36 MRS §763, DISCHARGING CAROL**
224 **GRANFIELD AS TAX COLLECTOR FROM FURTHER LIABILITY OR**
225 **OBLIGATION TO COLLECT THE BALANCE DUE FOR THE TAXABLE YEARS**
226 **2006-2017, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A**
227 **UNANIMOUS ROLL CALL VOTE 6/0/0.**

228 j. (120116-13) The Kittery Town Council moves to re-commit the 2006–2017 taxes to
229 Kendra Amaral.

230 **A MOTION WAS MADE BY COUNCILOR THOMSON TO RE-COMMIT THE 2006–**
231 **2017 TAXES TO KENDRA AMARAL, SECONDED BY COUNCILOR PELLETIER.**
232 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

233 k. (120116-14) The Kittery Town Council moves to consider the request for a hearing for
234 Sewer Assessment from the Southern Maine Fish & Game, Inc.

235 Vice Chairperson Denault stated that he would support the consideration based on the fact that
236 the officers of the organization have changed and there were issues raised in submitting the
237 paperwork. It would not hurt to hear the application. Councilor Pelletier concurred. Councilor
238 Dennett noted that it would have been courteous for the requestor to have been present in the
239 meeting to provide further information and field questions. The Council reached unanimous
240 consensus to consider the request for a hearing,

241 l. (120116-15) The Kittery Town Council moves to appoint Maryann Place as the
242 Registrar of Voters until 12/31/18.

243 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT MARYANN**
244 **PLACE AS THE REGISTRAR OF VOTERS UNTIL 12/31/18, SECONDED BY**
245 **COUNCILOR DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL**
246 **VOTE 5/0/1, WITH COUNCILOR DENNETT ABSTAINING.**

247 m.(120116-16) The Kittery Town Council moves to approve and sign the policy on
248 Treasurer's Disbursement Warrants for Municipal Employee Wages and Benefits, designating
249 three Councilors, who may review, approve and sign such warrants, to expire on November 30,
250 2017.

251 The Councilors were designated as follows: Councilor Thomson as the primary; Councilor
252 Lemont as the secondary position; and, Councilor Beers as the tertiary position.

253 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND SIGN THE**
254 **POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL**
255 **EMPLOYEE WAGES AND BENEFITS, DESIGNATING THREE COUNCILORS, WHO**
256 **MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON**
257 **NOVEMBER 30, 2017, AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.**
258 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

259 n. (120116-17) The Kittery Town Council moves to approve and sign the policy on

260 Treasurer's Disbursement Warrants for Municipal Expenses, designating three Councilors who
261 may review, approve and sign such warrants, to expire on November 30, 2017.

262 The Councilors were designated as follows: Councilor Beers as the primary; Vice Chairperson
263 Denault as the secondary position; and, Councilor Lemont as the tertiary position.

264 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND SIGN THE**
265 **POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL**
266 **EXPENSES, DESIGNATING THREE COUNCILORS WHO MAY REVIEW, APPROVE**
267 **AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2017, AS**
268 **PRESENTED, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED**
269 **BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

270 o. (120116-18) The Kittery Town Council approve and sign the School Department
271 policy on General Disbursement Warrants for Educational Expenses, designating three
272 Councilors who may review, approve and sign such warrants, to expire on November 30, 2017.

273 The Councilors were designated as follows: Councilor Pelletier as the primary; Councilor
274 Thomson as the secondary position; and, Councilor Spiller as the tertiary position.

275 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND SIGN THE**
276 **SCHOOL DEPARTMENT POLICY ON GENERAL DISBURSEMENT WARRANTS**
277 **FOR EDUCATIONAL EXPENSES, DESIGNATING THREE COUNCILORS WHO**
278 **MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON**
279 **NOVEMBER 30, 2017, AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.**
280 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

281 p. (120116-19) The Kittery Town Council moves to approve and sign the School
282 Department policy on Disbursement Warrants for School Employee Wages and Benefits,
283 designating three School Committee Members who may review, approve and sign such warrants,
284 to expire on November 30, 2017.

285 The School Committee Members were designated as follows: David Batchelder as the primary;
286 Julie Dow as the secondary position; and, Kim Bedard as the tertiary position.

287 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND SIGN THE**
288 **SCHOOL DEPARTMENT POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL**
289 **EMPLOYEE WAGES AND BENEFITS, DESIGNATING THREE SCHOOL**
290 **COMMITTEE MEMBERS WHO MAY REVIEW, APPROVE AND SIGN SUCH**
291 **WARRANTS, TO EXPIRE ON NOVEMBER 30, 2017, AS PRESENTED, SECONDED**
292 **BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL**
293 **CALL VOTE 6/0/0.**

294 q. (120116-20) The Kittery Town Council moves to appoint a representative to meet with
295 the Chair of the Conservation Commission to interview Stephen F. Hall for his re-appointment to
296 that board until 12/31/19.

297 **A MOTION WAS MADE BY COUNCILOR THOMSON TO RE-APPOINT STEPHEN F.**
298 **HALL TO THE CONSERVATION COMMISSION UNTIL 12/31/19 WITHOUT**
299 **BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER.**

300 Chairperson Beers stated that he would abstain from voting due to the public defamatory
301 statements made by the applicant about him in order to avoid the perception of bias.

302 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 4/1/1, WITH VICE**
303 **CHAIRPERSON DENAULT OPPOSED AND CHAIRPERSON BEERS ABSTAINING.**

304 r. (120116-21) The Kittery Town Council moves to appoint a representative to meet with
305 the Chair of the Conservation Commission to interview Janice R. Carson for her re-appointment
306 going from a full member to an associate member of that board until 12/31/19.

307 **A MOTION WAS MADE BY COUNCILOR THOMSON TO RE-APPOINT JANICE R.**
308 **CARSON TO THE CONSERVATION COMMISSION GOING FROM A FULL**
309 **MEMBER TO AN ASSOCIATE MEMBER UNTIL 12/31/19 WITHOUT BENEFIT OF**
310 **AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER. THE MOTION**
311 **PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

312 s. (120116-22) The Kittery Town Council moves to appoint a representative to meet with
313 the Chair of the Conservation Commission to interview Ann Formalarie for her appointment
314 going from an associate member to a full member of that board until 12/31/19.

315 **A MOTION WAS MADE BY COUNCILOR BEERS TO APPOINT ANN FORMALARIE**
316 **TO THE CONSERVATION COMMISSION GOING FROM AN ASSOCIATE MEMBER**
317 **TO A FULL MEMBER OF THAT BOARD UNTIL 12/31/19 WITHOUT BENEFIT OF**
318 **AN INTERVIEW, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED**
319 **BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

320 t. (120116-23) The Kittery Town Council moves to appoint a representative to meet with
321 the Chair of the Conservation Commission to interview Dean Bensley for his re-appointment to
322 that board until 12/31/19.

323 **A MOTION WAS MADE BY COUNCILOR THOMSON TO RE-APPOINT DEAN**
324 **BENSLEY TO THE CONSERVATION COMMISSION UNTIL 12/31/19 WITHOUT**
325 **BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER. THE**
326 **MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

327 u. (120116-24) The Kittery Town Council moves to appoint a representative to meet with
328 the Chair of the Board of Assessment Review to interview Mary Thron for her appointment
329 going from an alternate member to a full member of that board until 12/31/19.

330 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT MARY THRON**
331 **TO THE BOARD OF ASSESSMENT REVIEW GOING FROM AN ALTERNATE**
332 **MEMBER TO A FULL MEMBER OF THAT BOARD UNTIL 12/31/19 WITHOUT**
333 **BENEFIT OF AN INTERVIEW, SECONDED BY VICE CHAIRPERSON DENAULT.**
334 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

335 14. COUNCILOR ISSUES OR COMMENTS

336 Chairperson Beers recognized the Kiwanis Club of the Seacoast Club, the Rotary Club of
337 Kittery, participants and spectators for their efforts in hosting a successful 24th Annual Holiday
338 Parade and Christmas Tree Lighting on December 3rd.

339 Chairperson Beers expressed gratitude for the Wreaths Across America who began their trek
340 yesterday with eighteen tractor trailers rigs and thirty escort vehicles in route to Arlington
341 National Cemetery. They will place 226,000 wreaths on servicemen's graves.
342

343 Councilor Thomson stated that correspondence was received from the Sewer Department
344 Superintendent that numerous properties on Martin Road and Stevenson Road have connected to
345 sewer system. The contractor that performed the services noted that a large majority of the
346 systems were failing and many did not have piping extending to a leach field. Chairperson Beers
347 acknowledged that observation and noted that the system will be more beneficial to the
348 environment.
349

350 Vice Chairperson Denault made various statements, including:

- 351 • A citizen inquiry was received regarding the status of Rice Public Library, however, he
 - 352 yielded given the ongoing effort for that matter;
 - 353 • He requested a status of the litigations regarding the Dineen property on Old Post Road;
 - 354 • He questioned whether the signage for Wally's Farm stand is conforming;
 - 355 • The signage at Seapoint Rd could be improved to enforce the no parking zones;
 - 356 • Use caution when driving on Route 236 given the entering and exiting traffic from the
 - 357 Aroma Joe's parking lot;
 - 358 • He requested that assistance be provided to the Kittery Port Authority to ensure the
 - 359 Harbormaster receives an ID card.
- 360

361 15. COMMITTEE AND OTHER REPORTS

362 a. Communications from the Chairperson

363 A workshop is scheduled for December 19th with the Town Manager and the Kittery Port
364 Authority. Chairperson Beers clarified to Councilor Thomson that the workshop intends to
365 address the KPA's intention to discontinue the working group and request quarterly workshops
366 with the Council. The workshop would also address the intermunicipal agreement for
367 employment of the new Harbormaster.

368 The Council discussed the upcoming January workshop with the Town Manager regarding the
369 Council goals.

370 b. Committee Reports

371 16. EXECUTIVE SESSION – None.

372 17. ADJOURNMENT

373 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING**
374 **AT 8:07 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY**
375 **A UNANIMOUS VOICE VOTE 6/0/0.**

376 Submitted by Marissa Day, Minutes Recorder, on December 19, 2016.

377 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
378 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
379 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*

380 *actions that took place. For complete details, please refer to the video of the meeting on the*
381 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*

JAMES L. GAMBLE III
ELIZABETH B. GAMBLE
610 STILL WATER RD. P.O. BOX 6
GIBSON ISLAND, MD 21056

10504

65-320/550, 7407
1010069156881

12/13/2016

Date

\$1,000.00

Dollars



Pay to the order of James B. Gamble III
Elizabeth B. Gamble and 125
Eyes of the World
James B. Gamble III

Holder's Name

AMERICA THE BEAUTIFUL

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK NO. 014365
CHECK DATE 12/09/16
VENDOR NO. 4620 K

CHECK NO. 014365

Kennebunk Savings Bank



York Hospital
15 HOSPITAL DRIVE
YORK, MAINE 03909

52-7445/2112

CHECK AMOUNT

9,250.00

PAY TO THE ORDER OF
Nine Thousand Two Hundred Fifty And 00/100 Dollars *****
KITTEERY RECREATION DEPARTMENT
120 ROGERS RD
KITTEERY, ME 03904



TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000

VOID AFTER 180 DAYS

[Signature]
[Signature]
MP



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



2016 Donation

PAY TO THE
ORDER OF Kittery Community Center

One Hundred and 00/100**

Kittery Community Center
200 Rogers Road
Kittery, ME 03904

MEETINGHOUSE VILLAGE

Operating Account
143 ROGERS ROAD OFFICE
KITTELY, ME 03904
(207) 439-7280

Kennebunk Savings

52-7450/2112

12/12/2016

****100.00**

DOLLARS

Two Signatures Required Over \$5000

AUTHORIZED SIGNATURE



Security features. Details on back.

42864

Donald and Nicole Kerr
4 Colonial Rd
Kittery, ME 03904

POE™ 869
54-7468/2114

16 DEC 2016 FRAUDARMOR

PAY TO THE ORDER OF THRESHER MEMORIAL FUND \$ 60.00
SIXTY + 00/100

Piscataqua Savings Bank

FOR SILENT STRENGTH D. Allen

STAR WARS

Security Features Details on Back

DUNCAN A. McEACHERN
PATRICIA A. McEACHERN
124 WHIPPLE RD. 207-439-0871
KITTERY, ME 03904

4017
52-60/112

December 10, 2016
Date

Pay to the Order of Thresher Memorial Fund \$ 90.00
Ninety XX Dollars XX

KeyBank National Association
1-800-KEY2YOU® Key.com®

FOR SILENT STRENGTH Patricia A. McEachern

Security Features Details on Back

ELIZABETH H. DESJARDINS
32 FOLCUTT RD.
KITTERY POINT, ME 03905

8058
52-60/112
172

18 DEC 2016
Date

Pay to the Order of THRESHER MEMORIAL PROJECT \$ 210.-
TWO HUNDRED - TEN + 00/00 Dollars

KeyBank National Association
1-800-KEY2YOU® Key.com®

FOR SILENT STRENGTH ELIZABETH H. DESJARDINS

Photo Safe Deposit® Details on Back



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

PLEASE PRINT THIS APPLICATION AND FILL IT OUT - DO NOT FILL IT OUT ON THE COMPUTER
Thank you.

Applicant's name: WOODLAND FARMS BREWERY, LLC
(please print)

Address: 1 ROWANS WAY, KITTERY ME 03904
(please print)

Applicant's mailing address if different from above: _____

Applicant's Date of Birth: 04/25/1975 Applicant's Home Telephone Number: 207 438 0740

Name of Business: WOODLAND FARMS BREWERY
(please print)

Business Address: 306 US ROUTE 1, STE C, KITTERY ME 03904
(please print)

Business Telephone Number: _____

SIGNATURE OF APPLICANT: [Signature] DATE: 12/13/16

APPLICANT'S NAME: Patrick Rowan
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



TOWN OF KITTERY, MAINE

200 Roger Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806

Date issued to CEO: 12/13/16

TO: MARYANN PLACE, TOWN CLERK
FROM: ROBERT MARCHI, CODE ENFORCEMENT OFFICER
RE: BUSINESS SITE INSPECTION

NAME OF BUSINESS: Woodland Farms Brewery
BUSINESS LOCATION: 306 US Route 1
BUSINESS PHONE #: 603-866-1938
NAME OF APPLICANT: Patrick Rowan

☒ VICTUALERS LICENSE

☒ LIQUOR LICENSE

☐ SPECIAL ACTIVITY AMUSEMENT PERMIT

☐ OTHER

☒ A site inspection was conducted at the establishment listed above on 11/27/16.
I recommend the Town Council approve the above-mentioned license/permit for this establishment.

☐ A site inspection was conducted on _____ and failed due to the following deficiencies: _____

A re-inspection will be done on _____.

R Marchi
Code Enforcement Officer

12/13/16
Date

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINE.LIQUOR@MAINE.GOV

| DIVISION USE ONLY | |
|-------------------|-----|
| License No: | |
| Class: | By: |
| Deposit Date: | |
| Amt. Deposited: | |
| Cash Ck Mo: | |

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES

1/25/2017

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|---|--|--|--|--|--|
| Corporation Name: Tasty Thai, Inc | | | Business Name (D/B/A) Tasty Thai | | |
| APPLICANT(S) (Sole Proprietor) Allan Issac Pechner Jr. | | | DOB: 05/21/1971 | | |
| Address 599 Lafayette Rd #6 | | | Physical Location: 182 State Rd | | |
| City/Town Portsmouth | | | State NH | | |
| Zip Code 03801 | | | City/Town Kittery | | |
| Telephone Number 603-393-6185 | | | Fax Number | | |
| Federal I.D. # 475648414 | | | Business Telephone Number 207-439-9988 | | |
| Email Address: Please Print | | | Fax Number N/A | | |
| | | | Seller Certificate #: or Sales Tax #: 1176434 | | |
| | | | Website: Tastythaimc@gmail.com | | |

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

3. If a premise is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 165,000 LIQUOR \$ 7500

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Allan I Pechner Jr.

9. Business records are located at: 182 State Rd Kittery ME 03904

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married. Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|---|-----------|----------------|
| Allan Issac Pechner Jr. | 5/21/1971 | Lynn MA |
| Residence address on all of the above for previous 5 years (Limit answer to city & state) | | |
| 399 Maplewood Ave Portsmouth, NH 03801 | | |

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:
MH. Parson's + Son Lumber Company : John M. Parson P.O. Box 450 York ME 039

17. Describe in detail the premises to be licensed: (On Premise Diagram Required)
Existing location of Restaurant.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile to school Which of the above is nearest? School.

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on 12/7, 20 16
Town/City, State Date

Signature of Applicant or Corporate Officer(s) Allan Pechner Please sign in blue ink
Allan Pechner Jr.
Print Name

Signature of Applicant or Corporate Officer(s) [Signature]
Print Name



State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Tasty Thai, Inc
2. Doing Business As, if any: Thai Restaurants
3. Date of filing with Secretary of State: 12/7/16 State in which you are formed: Kittery ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|-------------------------|---|---------------|-------|-------------|
| Allan Isaac Pechner Jr. | 399 Maplewood Ave Portsmouth, NH 03801 | 5/21/1971 | OWNER | 100 |
| | | | | |
| | | | | |
| | | | | |

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

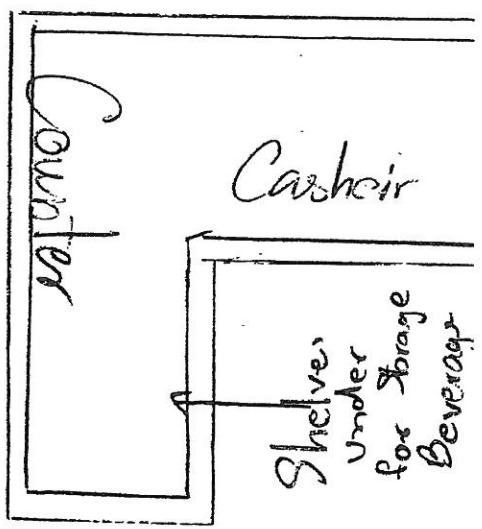
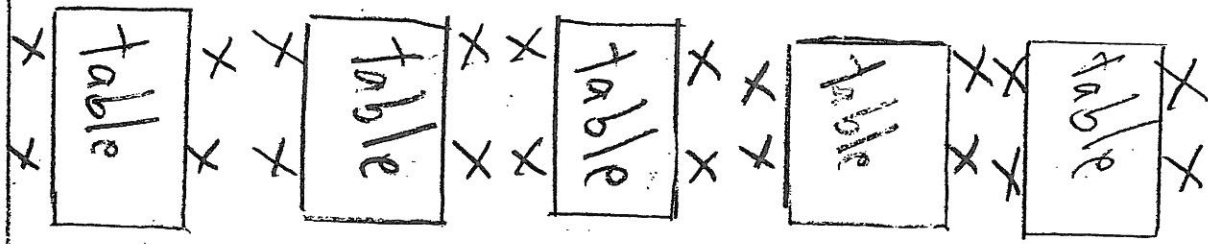
12/8/16
Date

ALLAN Peckner Jr
Print Name of Duly Authorized Person

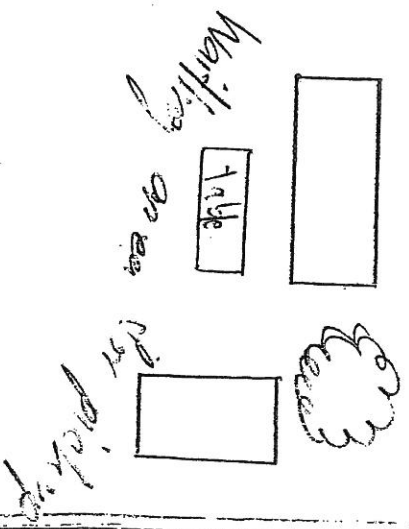
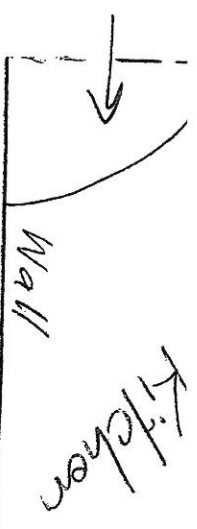
Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

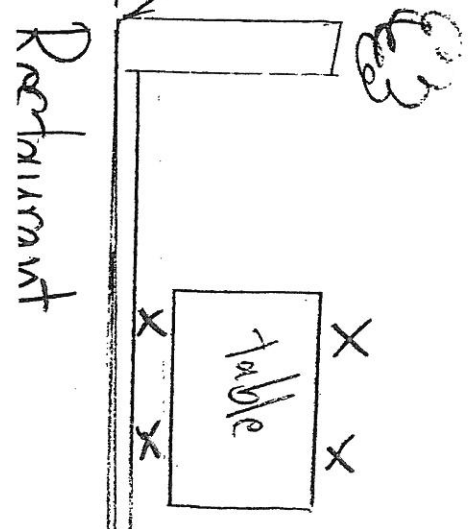
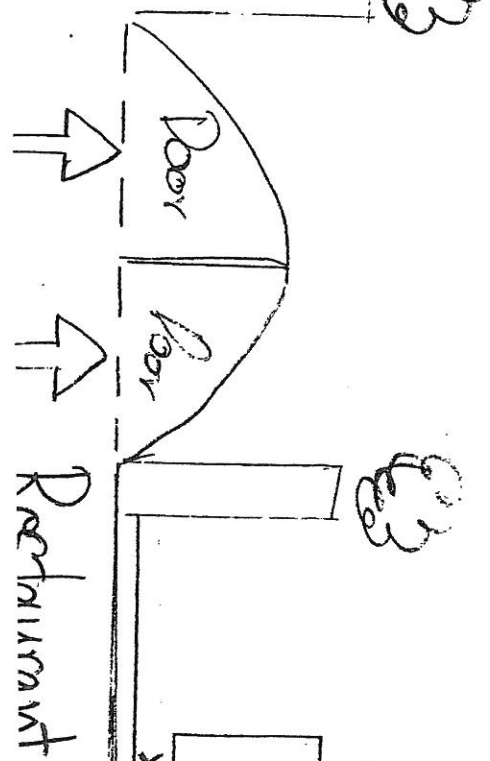
Open Kitchen
Main Room

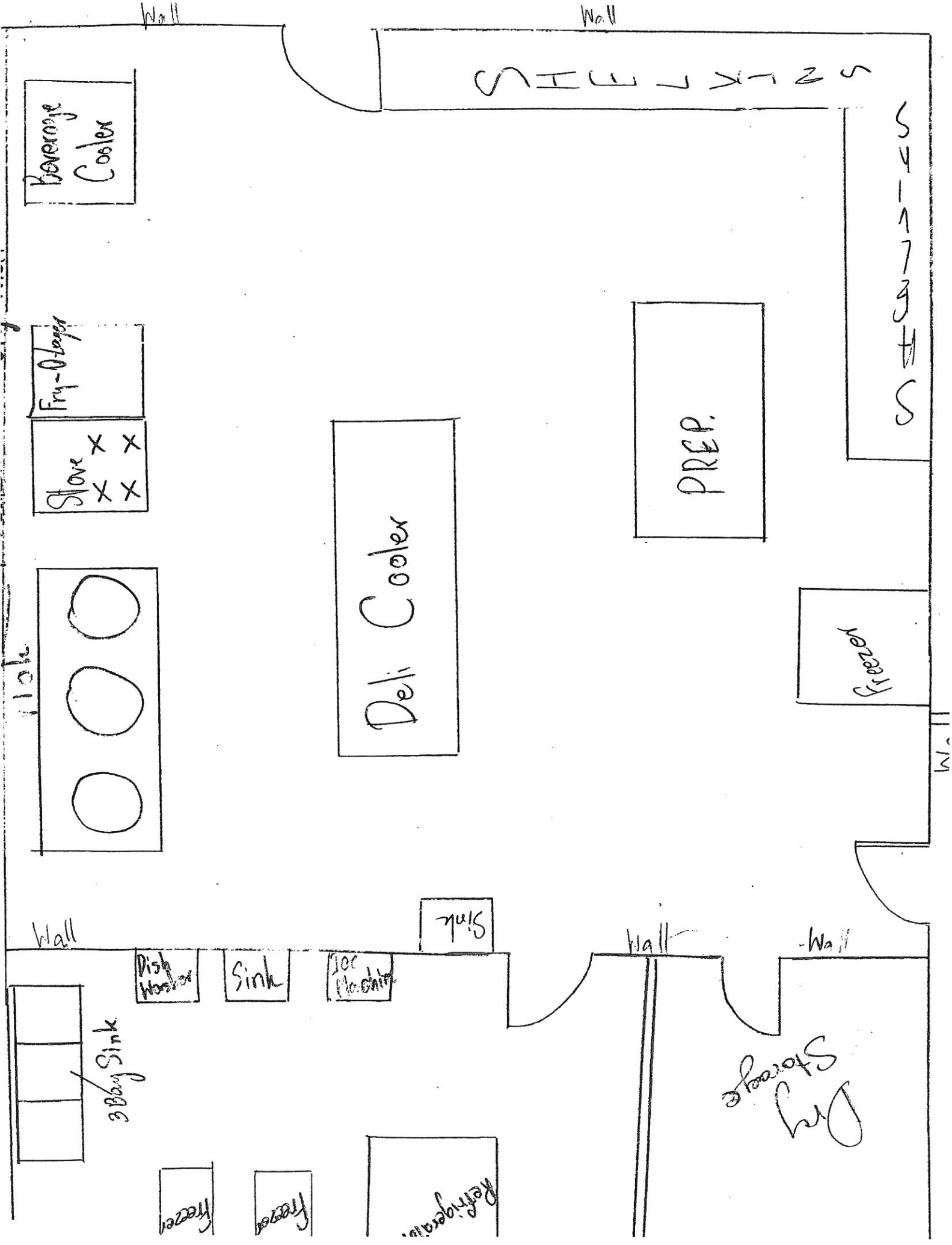


32 Seats



Tasty Thai





STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. No license to person who moved to obtain a license. (REPEALED)
 5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

| | | |
|--------------------|--|-------------------|
| FILING FEE: | (must be included on all applications) | \$ 10.00 |
| Class I | Spirituos, Vinous and Malt CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB. | \$ 900.00 |
| Class I-A | Spirituos, Vinous and Malt, Optional Food (Hotels Only) CLASS I-A: Hotels only that do not serve three meals a day. | \$1,100.00 |
| Class II | Spirituos Only CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels. | \$ 550.00 |
| Class III | Vinous Only CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 220.00 |
| Class IV | Malt Liquor Only CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts. | \$ 220.00 |
| Class V | Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) CLASS V: Clubs without catering privileges. | \$ 495.00 |
| Class X | Spirituos, Vinous and Malt – Class A Lounge CLASS X: Class A Lounge | \$2,200.00 |
| Class XI | Spirituos, Vinous and Malt – Restaurant Lounge CLASS XI: Restaurant/Lounge; and OTB. | \$1,500.00 |

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the Treasurer of Maine. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

| DIVISION USE ONLY | |
|-------------------|-----|
| License No: | |
| Class: | By: |
| Deposit Date: | |
| Amt. Deposited: | |
| Cash Ck Mo: | |

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 02.26.2017

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL NO FOOD (Class I-A)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | |
|--|---|
| Corporation Name: <u>the ARES LLC</u> | Business Name (D/B/A) <u>AJS wood Grill Pizza</u> |
| APPLICANT(S) - (Sole Proprietor) <u>Eides ARES</u> DOB: <u>09.04.1984</u> | Physical Location: <u>68 Wallingford Square</u> |
| <u>Henry ARES</u> DOB: <u>05.13.1968</u> | City/Town State Zip Code <u>Kittery ME 03904</u> |
| Address <u>68 Wallingford Square</u> | Mailing Address <u>Same</u> |
| City/Town State Zip Code <u>Kittery ME 03904</u> | City/Town State Zip Code <u>Kittery ME 03904</u> |
| Telephone Number Fax Number <u>207.439.9700</u> | Business Telephone Number Fax Number <u>207.439.9700</u> |
| Federal I.D. # <u>463 905 045</u> | Seller Certificate #: or Sales Tax #: |
| Email Address: Please Print <u>Atlantic30@aol.com</u> | Website: <u>AJS woodgrillPizza.com</u> |

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: Any day Available Business hours: 11-9 weekdays 11-10 Friday-Saturday

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$758,748.05 LIQUOR \$23,466
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
5. If manager is to be employed, give name: Eides Ares
6. Business records are located at: 68 Wallingford Square
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|------------------------------|-----------|----------------|
| Eides Ares | 9.4.1984 | Brazil |
| Henry Ares | 5.13.1968 | Philippines |

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Kittery Maine

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Polar Bear Reality Trust - Bridge St. Kittery - ME

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) 25 Seat Pizza Restaurant

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 300 yards Which of the above is nearest? Church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Kennabunk Savings Bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery ME on December 12, 2016
Town/City, State Date

Eides Ares
Signature of Applicant or Corporate Officer(s)

Eides Ares
Print Name

Please sign in blue ink

Henry Ares
Signature of Applicant or Corporate Officer(s)

Henry Ares
Print Name



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: the ARES LLC
2. Doing Business As, if any: ASS wood Grill Pizza
3. Date of filing with Secretary of State: _____ State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|------------|-------------------|---------------|-----------|-------------|
| Eides Ares | 87 Whipple Road | 9.4.84 | Presedent | 50% |
| Henry Ares | 87 Whipple Road | 5.13.68 | Partner | 50% |
| | | | | |
| | | | | |

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Eides Aris
Signature of Duly Authorized Person

Date

12.12.16

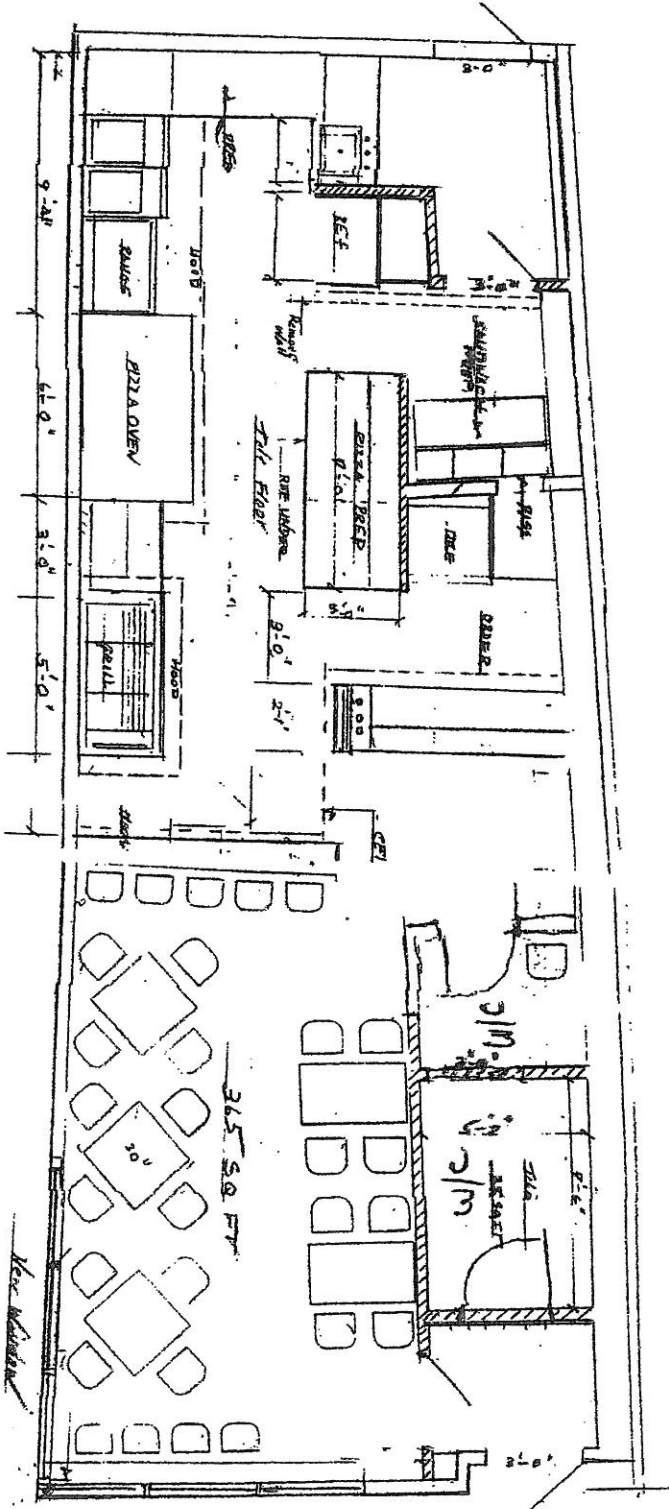
Eides Aris President
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

YES ☒ NO ☐

1



See Schedule

COLE & COMPANY

Job AJ's

REV

DATE

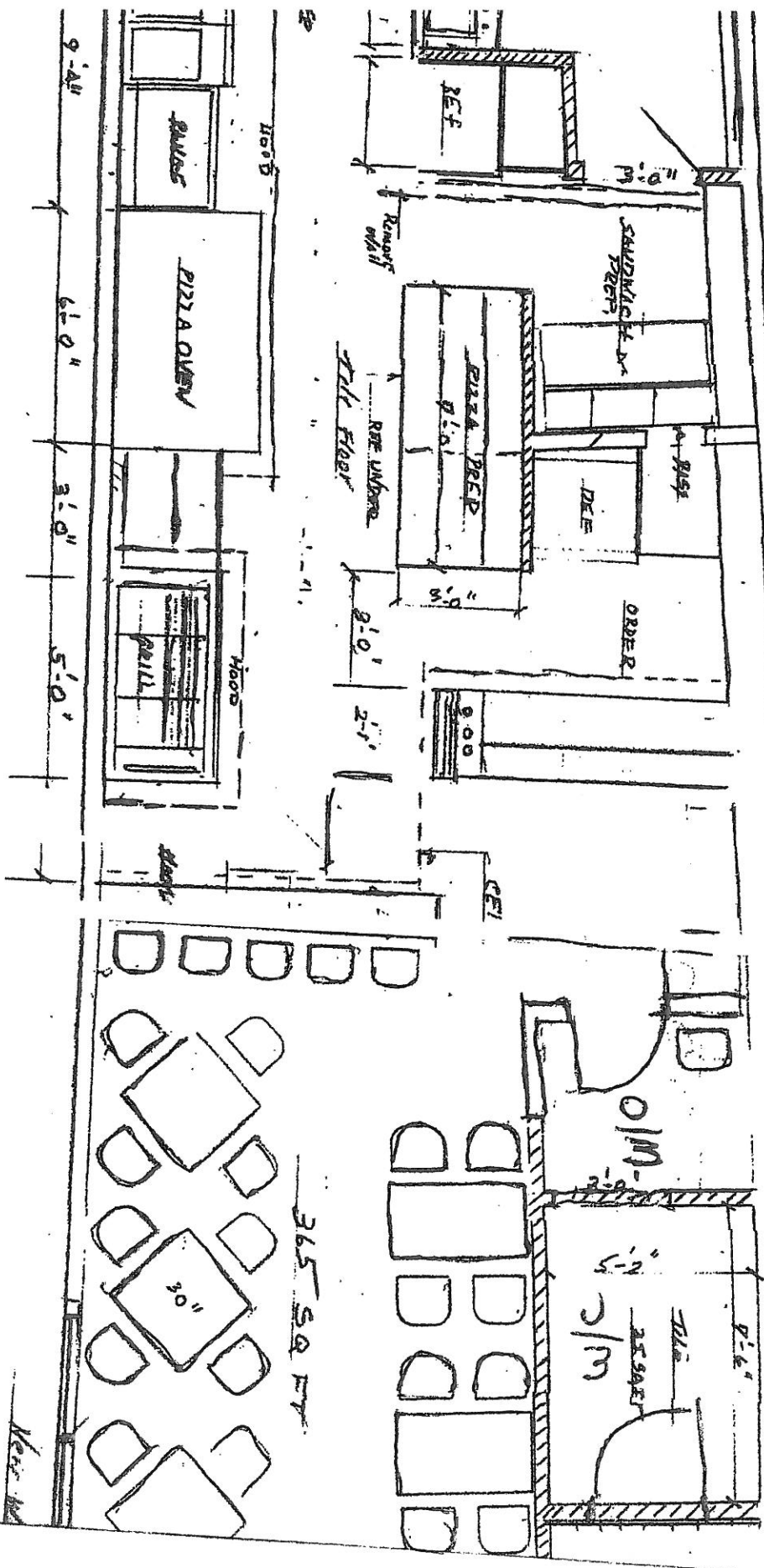
Floor Plan

1

22-Sep
10/2/84

SCALE

1/4" = 1'-0"



SC RE JO

STATE OF MAINE

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]
- B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]
- E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]
- F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]
[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]
[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application please contact us at (207) 624-7220.

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00 ✓
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00 ✓
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
 Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing and Enforcement
 8 State House Station, Augusta, ME 04333-0008.
 Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL-OPTINONAL FOOD (Class I-A) ☐ HOTEL (Class I,II,III,IV)
☐ CLASS A LOUNGE (Class X) ☐ CLUB-ON PREMISE CATERING (Class I)
☐ CLUB (Class V) ☐ GOLF CLUB (Class I,II,III,IV)
☐ TAVERN (Class IV) ☒ OTHER: TASTING ROOM

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|---|--|--|--------------------------------------|--|--|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) | | | 2. Business Name (D/B/A) | | |
| <u>Woodland Farms Brewery, LLC</u> DOB: _____ | | | <u>Woodland Farms Brewery</u> | | |
| DOB: _____ | | | <u>306 US ROUTE 1 STE C</u> | | |
| DOB: _____ | | | Location (Street Address) | | |
| Address | | | City/Town State Zip Code | | |
| <u>1 ROWANS WAY</u> | | | <u>KITTENY ME 03904</u> | | |
| City/Town State Zip Code | | | Mailing Address | | |
| <u>KITTENY ME 03904</u> | | | <u>KITTENY ME 03904</u> | | |
| Telephone Number | | | City/Town State Zip Code | | |
| <u>603 866 1938</u> | | | <u>603 866 1938</u> | | |
| Fax Number | | | Business Telephone Number Fax Number | | |
| Federal I.D. # | | | Seller Certificate # | | |
| <u>471843385</u> | | | | | |

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: JAN 5 ?
- Requested inspection date: _____ Business hours: 12-9 WED-SAT, 1-6 SUNDAY
9. Business records are located at: 306 US ROUTE 1, STE C KITTENY ME 03904
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|------------------------------|---------|--------------------|
| Patrick Rowan | 4/25/75 | Columbia, Maryland |
| Patrick Prendergast | 3/19/77 | Dublin, Ireland |

Residence address on all of the above for previous 5 years (Limit answer to city & state)

~~1 Rowan, Mary~~, Kittery, ME
Dover, NH

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
Weatherwane Seafoods, 306 US RT 7 Kittery ME 03904

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
8 Tap, Brewery Tasting Room. 49 Seats

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.1 miles Which of the above is nearest? Spruce Creek Church

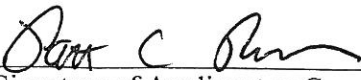
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Personal Gift from Father

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: ~~Dover, NH~~ Kittery ME on _____, 20____
Town/City, State Date


Signature of Applicant or Corporate Officer(s)

Patrick Rowan
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

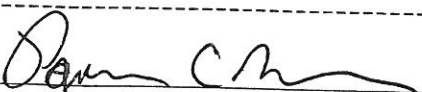


SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

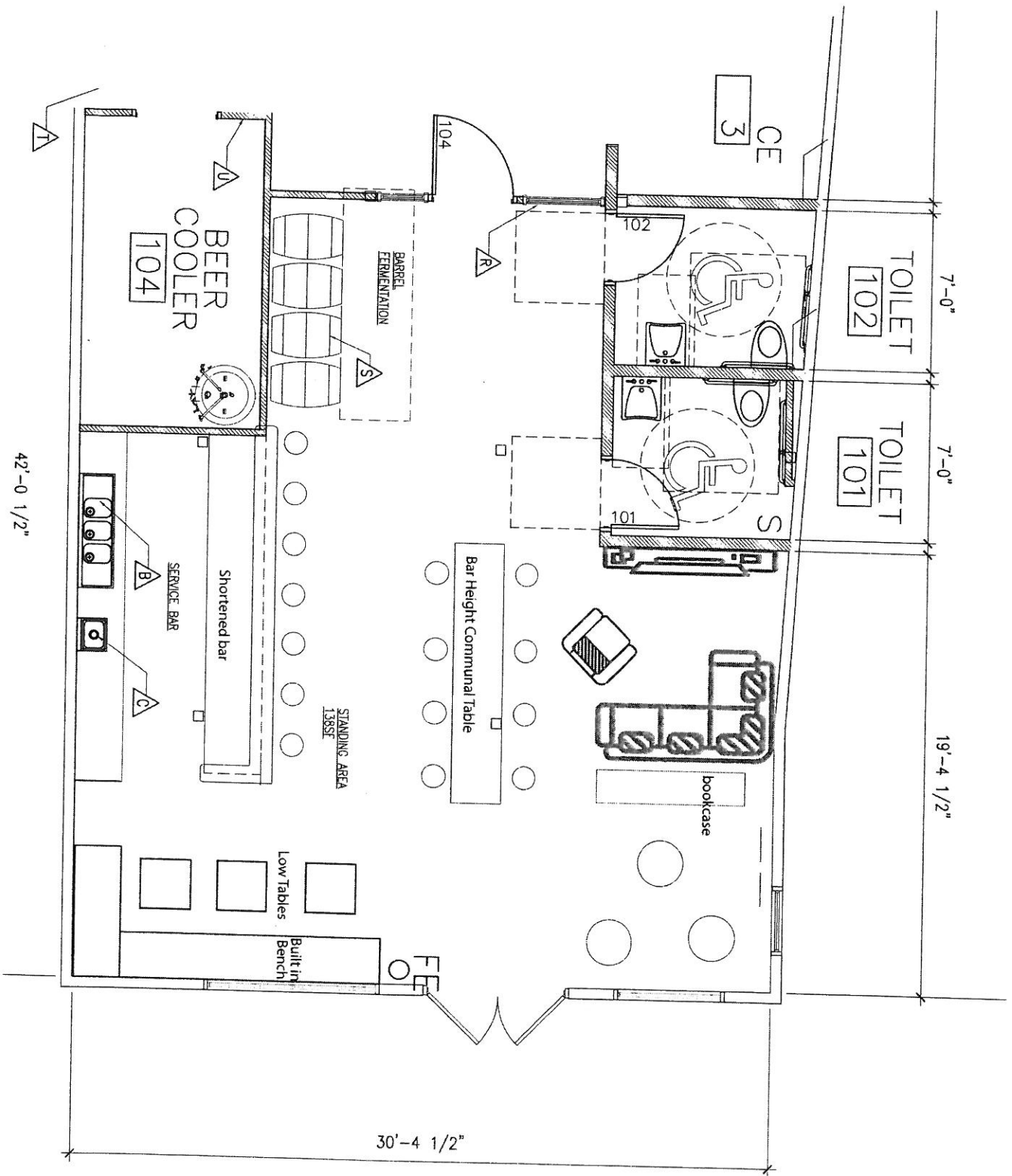
1. Exact Corporate Name: WOODLAND FARMS BREWERY LLC
Business D/B/A Name: _____
2. Date of Incorporation: _____
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

| Name | <i>Print Clearly</i> Address Previous 5 years | Birth Date | % of Stock | Title |
|----------------|--|------------|------------|--------|
| PATRICK ROWAN | 1 ROWANS WAY, KITTERY ME 03901 | 4/25/75 | 50% | MEMBER |
| MICHELLE ROWAN | 1 ROWANS WAY, KITTERY ME 03901 | 7/29/75 | 50% | MEMBER |
| | | | | |
| | | | | |

6. What is the amount of authorized stock? 310 SHARES Outstanding Stock? NO
7. Is any principal officer of the corporation a law enforcement official? Yes ☐ No ☒
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes ☐ No ☒
9. If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____


Signature of Duly Authorized Officer
PATRICK C ROWAN
Print Name of Duly Authorized Officer

12/6/16
Date



STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

| | | |
|------------------|---|------------|
| Class I | Spirituos, Vinous and Malt | \$ 900.00 |
| | CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB. | |
| Class I-A | Spirituos, Vinous and Malt, Optional Food (Hotels Only) | \$1,100.00 |
| | CLASS I-A: Hotels only that do not serve three meals a day. | |
| Class II | Spirituos Only | \$ 550.00 |
| | CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels. | |
| Class III | Vinous Only | \$ 220.00 |
| | CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | |
| Class IV | Malt Liquor Only | \$ 220.00 |
| | CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts. | |
| Class V | Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) | \$ 495.00 |
| | CLASS V: Clubs without catering privileges. | |
| Class X | Spirituos, Vinous and Malt – Class A Lounge | \$2,200.00 |
| | CLASS X: Class A Lounge | |
| Class XI | Spirituos, Vinous and Malt – Restaurant Lounge | \$1,500.00 |
| | CLASS XI: Restaurant/Lounge; and OTB. | |

FILING FEE..... \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

| DIVISION USE ONLY | |
|-------------------|-----|
| License No: | |
| Class: | By: |
| Deposit Date: | |
| Amt. Deposited: | |
| Cash Ck Mo: | |

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 1-16-17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL NO FOOD (Class I-A)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | |
|---|-----------------------------------|---|--------------------|
| Corporation Name: <u>Weatherane Seafoods Inc</u> | | Business Name (D/B/A) <u>Weatherane Seafoods</u> | |
| APPLICANT(S) - (Sole Proprietor) DOB: | | Physical Location: <u>306 US Rt 1</u> | |
| DOB: | | City/Town <u>Kittery, Me</u> | State <u>ME</u> |
| Address <u>306 US Rt 1</u> | | Mailing Address <u>SAME</u> | |
| City/Town <u>Kittery</u> | State <u>ME</u> | City/Town | State |
| Zip Code <u>03904</u> | | Zip Code | |
| Telephone Number <u>207-489-0335</u> | Fax Number <u>207-489-7754</u> | Business Telephone Number | Fax Number |
| Federal I.D. # <u>521153457</u> | | Seller Certificate #: or Sales Tax #: | |
| Email Address: Please Print <u>mhoude@weatheraneseafoods.com</u> | | Website: <u>www.WeatheraneSeafoods.com</u> | |

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 3,674,561.00 LIQUOR \$ 352,180.00
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. If manager is to be employed, give name: Sean Melton

6. Business records are located at: 306 US Rt 1, Kittery, ME 03904

7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB | Place of Birth |
|---|--------|----------------|
| Sean Melton | 7-6-71 | Boston, MA |
| | | |
| Residence address on all of the above for previous 5 years (Limit answer to city & state) | | |
| York, ME | | |
| | | |

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

13. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
A single-story restaurant with 5 dining rooms

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 mi Which of the above is nearest? church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Mortgage with T.D. Bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on December 8, 2016
City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
Terry Gagner
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Weatherone Seafoods, Inc.
2. Doing Business As, if any: Same
3. Date of filing with Secretary of State: 7/11/69 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME | ADDRESS (5 YEARS) | Date of Birth | TITLE | Ownership % |
|----------------|---|---------------|-------------------------------|-------------|
| TERRY GARDNER | 7 Whateback Dr Kittery Pt. Me 03905 | 5/3/54 | President Owner | 74.25 |
| JANET GARDNER | 7 Whateback Dr Kittery Point, Me 03905 | 3/18/56 | Treasurer | 25.77 |
| WILLIAM KURKUL | 5 GARDEN CARS LN Andover, MA 01810 | 7/1/53 | Chief Financial Officer | .004 |
| | | | | |

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: — (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

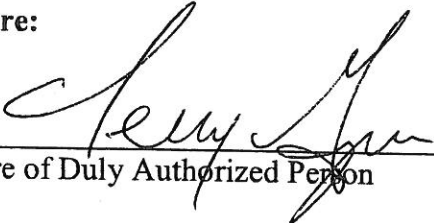
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

Date

December 8, 2016

Terry Gagner
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY

☐ Approved

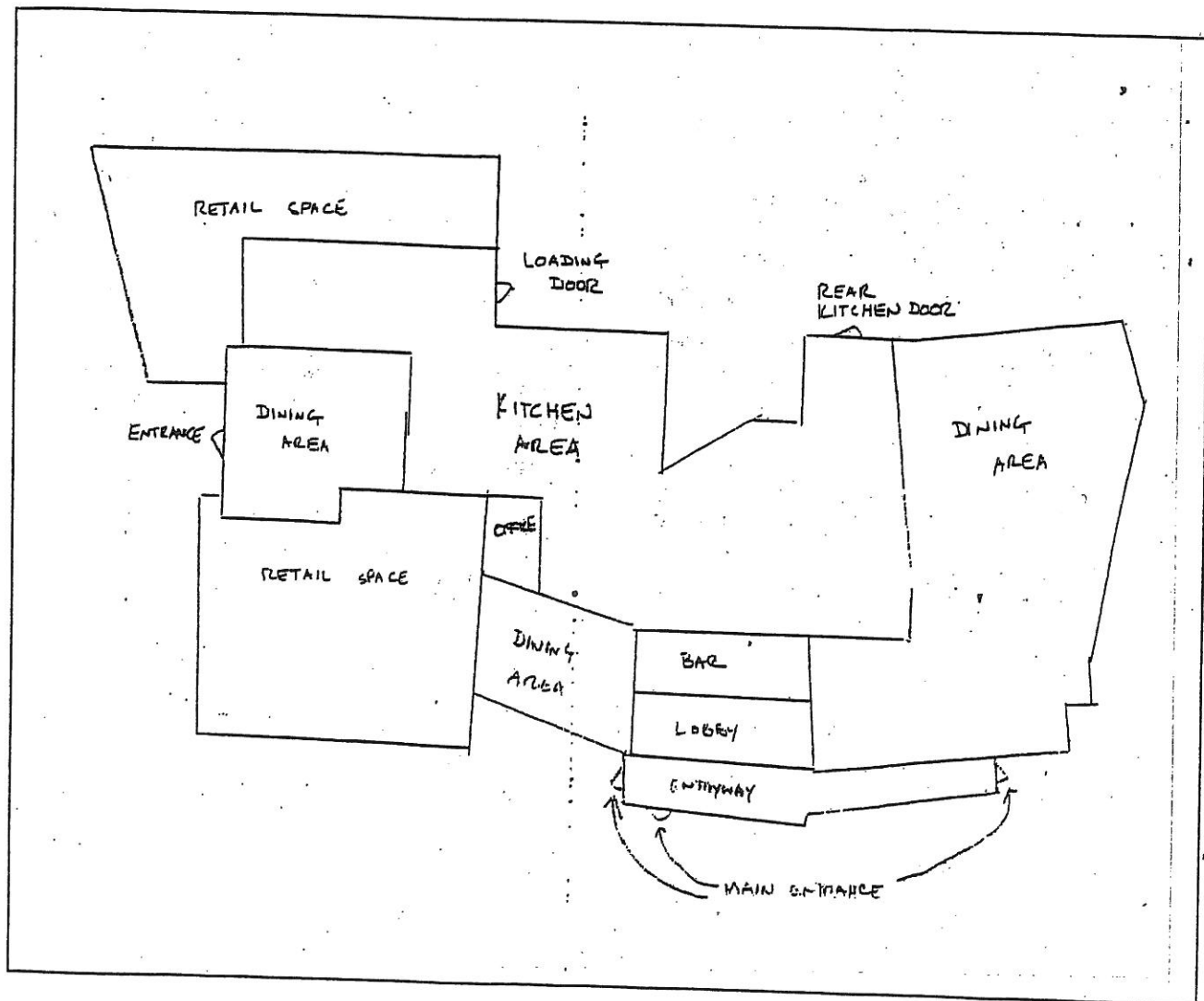
☐ Not Approved

BY:

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



STATE OF MAINE

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. **Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]
[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]
[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application please contact us at (207) 624-7220.



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
DEC 14 2016

PLEASE CHECK APPROPRIATE BOX:

BY: R. J. S. P.

- ☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**
- ☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**
- ☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Donald Moose

RESIDENCE: 35 Norton Road, Kittery, Maine

MAILING ADDRESS IF DIFFERENT FROM ABOVE: -

E-MAIL ADDRESS: donji11916@comcast.net

TELEPHONE NUMBERS: (HOME) 439-3842 (WORK) 603-669-8672

PRESENT POSITION: Kittery Conservation Comm Full Member

PLEASE CHECK APPROPRIATE BOX:

- | | | |
|---|---|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Port Authority | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input checked="" type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board | <input type="checkbox"/> Shellfish Conservation Commission |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Economic Development Committee | <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Educational Scholarship Committee |
| <input type="checkbox"/> Comp Plan Update Committee | <input type="checkbox"/> Other _____ | |

COMMENTS: _____

Please read the back of this application before signing.

Donald F. Moore
SIGNATURE OF APPLICANT

12/12/16
DATE

TOWN COUNCIL REPORT – ECONOMIC DEVELOPMENT COMMITTEE

1 **RESPONSIBLE INDIVIDUAL:** George Dow, Chairman

Date: Dec 28, 2016

2 **Subject:** Economic Development Committee

3 **Background:**

- History from March 23, 2011 previously reported (available, not enclosed)
- Within the context of the Kittery Comprehensive Plan and the Economic Development Plan, the mission of the Town of Kittery Economic Development Committee (EDC) is to enhance the many attributes that the Town of Kittery has to offer. The Council-established committee was given the charge of economic development planning, municipal site identification and development, and working with new business opportunities as they present themselves. The EDC is dedicated to helping create opportunities for economic development through desirable business growth, expansion, retention and attraction by working as partners to develop a climate conducive to maintaining the quality of life in this great community of Kittery, Maine.
- In December 2016 Council approved extension of the Committee until December 31st, 2016
- During 2016 the EDC met throughout the year to work toward creating a more vibrant and cultivated community by:
 - Serving as a conduit between the commercial economic interests in Kittery, Maine and its' municipal government;
 - Encouraging the economic well-being and expansion of the existing commercial businesses located within Kittery, Maine;
 - Working with Kittery Planning Board to review Town ordinances, policies, and practices to determine their impact on existing and proposed commercial businesses, and
 - Focusing on 4 to 5 key areas of potential economic development in Kittery –
 - Business Park
 - North end of Route 1 beyond Dunkin Donuts
 - Route 1 By-Pass
 - Intersection of Walker and State Road
 - West-end of Route 236

26 **Current Situation:**

27 The Committee desires to continue its efforts in 2017 to:

- Work with the interest parties owning the parcels that make up the Business Park –
 - EDC met on December 2nd and discussed the appropriate manner in which to move forward with development of the Business Park. The key components from this meeting were:
 - We discussed Mr. Cullen's Business Plan that has been shared with Council at the most recent EDC/Council workshop
 - We discussed the overall future development for the entire park - How the current development plan of Mr. Cullen would impact the future development of Business Park. The Committee determined and agreed that having a consultant, in working with the SMRPC, would be in the best interest of the Town, Mr. Cullen, and the town in maximizing the valuation growth within the park. Town Planner Chris DiMatteo is working with SMRPC to determine a consultant and associated costs.

TOWN COUNCIL REPORT – ECONOMIC DEVELOPMENT COMMITTEE

While the Business Park represents the most immediate need to assist with economic expansion, the other key areas that the EDC feels require attention and review are:

- Route 1 By-Pass requires immediate review as the planned completion of the Sara Long Bridge is scheduled for the summer/fall of 2017, and the Maine DOT requires a development plan from the Town regarding the traffic lane configuration for the By-Pass.
- Route 1 North of Dunkin Donuts – There has been significant growth in this area and the continued expansion of like businesses towards the Kittery/York line is recommended.
- The intersection of Walker Street and State Road deserves continued review to seek growth and development opportunities to expand upon the economic success in this area. Conversation with all business partners in this area is recommended.
- Review of the Foreside ordinances and zoning impact on continued "smart" development of existing and future business expansion. One particular project would be the Rice Public Library site and the impact of the current zoning on the property site for the maximization of this location. Additionally, with the Main Street sidewalk development project approved, what opportunities this may bring to enhancing the community and business growth and improvements.

Recommendation: The Committee requests Town Council extend the extension of the EDC past its current sunset date of 12/31/2016 to a future date certain of December 31, 2017. Additionally the EDC would recommend the following for consideration and discussion:

1. Economic Development Director - The number of important economic development opportunities continues to grow in Kittery. While we are seeking a Consultant through the SMRPC to work in the development of the Business Park, the other areas under review identified above represent significant, and important, opportunities that need more focus and perhaps daily involvement than the EDC can provide. The EDC recommends the Council begin to consider hiring a "part-time" Economic Development Director who would provide a point of contact for stakeholders and help forward the Town's economic goals.
2. The EDC recommends continued, concentrated, discussion of the infrastructure and utility needs of the Business Park to attract and create business opportunities.
3. The EDC would like the Kittery Town Council to consider changing the charge of the Economic Development Committee to remove the "sunset" clause. There is no other ad-hoc committee that meets in the Town that has a "sunset" clause and as such the perception by some of the value and importance of the committee's work may be unfairly diminished.

2016 TENTATIVE AGENDA ITEMS

January 9, 2017 – 6:00 p.m Workshop with Planning Board – Marijuana & Home Sharing (AIRBNB)

- Disbursement Warrants
- Adopt Harbormaster Job description?
- Title 2 –Public Hearing?
- IMA Agreement – Public Hearing?
- Council – Town Manager Goals
- Tom Dinsmore – Certificate of Appreciation
- Personnel Classification Policy
- Assessment Hearings - Down Highway Properties (continuation)
 - Flower Pot (continuation)?
 - Southern Maine Fish & Game (new hearing)

January 23, 2017

- Disbursement Warrants
- TIF Amendment

February 13, 2017 – Workshop ? (Marissa's traffic project)

- Disbursement Warrants
- Rename Recreation Department
- Title 2 – Job Descriptions?
 - Human Resources – Job Description
 - Recreation Dept. – Job Descriptions

February 27, 2017

- Disbursement Warrants
- Vote on CIP (plan & budget) Public hearing?

Future Items

- Proposed Charter amendments
- Title 13 - Proration of minimum sewer charge
 - Impact fees
- Title 10 - Parking
- Highpointe Circle
- Title 6 – dogs (chickens)?

Legal Marijuana & Municipalities

December, 2016

Last month Maine voters narrowly approved a ballot measure legalizing the personal use, possession and cultivation of marijuana by persons 21 years of age and older and the operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs for on-premises sale and consumption.

Barring other developments (for instance, a recount resulting in reversal of the vote), the new law will take effect either 30 days after the Governor proclaims the results of the vote or, if additional funds are required to implement the new law (as appears likely), 45 days after the next regular session of the Legislature convenes. In any event, the effective date of the new law will almost certainly be no earlier than sometime in January 2017, but it could be considerably later depending on a number of as-yet-unknowns.

As of the effective date – whenever it may be – it will be legal for adults to use, possess and cultivate “recreational” amounts of marijuana. However, retail marijuana stores and social clubs and commercial-scale cultivation, manufacturing and testing facilities will require annual State licenses under the new law. And the Department of Agriculture, Conservation and Forestry has up to nine months to adopt rules for licensing and operation of these establishments. So as a practical matter they will not be able to obtain licenses or operate legally until at least late 2017.

Under the new law, all required State licenses apparently require local approval as well, though it is not yet clear who on the local level decides or on what basis. Municipalities are also authorized, by ordinance, to regulate the number, location and operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, and to impose a separate local licensing requirement. In the alternative, municipalities may, by ordinance, entirely prohibit any or all of these establishments.

For municipalities that may want to allow but regulate retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, it will be difficult to calculate how best to do so until after final rulemaking by the department and perhaps corrective or at least clarifying legislation. This will all probably take many months. To prevent unwanted developments in the meantime, we recommend adopting a moratorium ordinance. For a sample, download attachment 1 below.

For general information and advice on moratorium ordinances, see our “Information Packet” on the subject, available free to members at www.memun.org.

For municipalities that want to prohibit retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs entirely, there is no need to wait for rulemaking or more legislation. An ordinance prohibiting these establishments can be enacted any time (but probably

the sooner the better) before State licensing begins, probably in late 2017. For a sample, download attachment 2 below.

For more on the legal as well as the practical implications of the new law, be sure and watch for two full-length articles planned for the February 2017 issue of the Maine Townsman.

Also, MMA is sponsoring a workshop on the new law on Feb. 28, 2017, in Freeport. Presenters will be attorneys from the Portland law firm of Drummond Woodsum. Watch for details and registration information on our website (www.memun.org). (By R.P.F.)

Attachment 1:

https://www.memun.org/Documents.aspx?Command=Core_Download&EntryId=10137

Attachment 2:

https://www.memun.org/Documents.aspx?Command=Core_Download&EntryId=10138